IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 2537 of 2005

Between:

P. Penchal Reddy S/o. Ranga Reddy,
R/o. Kapu Street, Nellore.

..... PETITIONER

AND

Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Nellore.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, directing the respondent to accept the valid records within fourmonths and issue the permit granted by the State Transport Appellate Tribunal, AP, Hyderabad in A.P. No.95/2003 dt. 7-11-2003 on the route Venkateswarapuram to Kalakurala colony and pass such other orders as may deem fit.

Counsel for the Petitioner:MR.P.RAJAGOPALA CHARY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

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By an order dated 07-11-2003, the State Transport Appellate Tribunal, Hyderabad in A.P.No.95 of 2003, allowed the appeal setting aside the order passed by the respondent and directed the respondent to issue Contract Carriage Permit to the petitioner within four months from the date of receipt of a copy of the order on production of valid records and documents as required under the Motor Vehicles Act and Rules made thereunder.

2. Now, the learned counsel for the petitioner contended that due to ill-health of the petitioner, he could not produce the records within four months and before expiry of the said period, he could not even make an application for extension of time for production of the records. It is further contended that this Court in similar circumstances, in W.P.No.23274 of 2002 dated 21-11-2002, granted six weeks time to the petitioner therein on the ground that no third party rights have accrued on production of the records. Therefore, the facts on hand are also similar to that of the writ petition disposed of by this Court.

3. Having regard to the facts and circumstances of the case, the writ petition is disposed of granting two months time to the petitioner from today to submit valid records to the respondent. On submission of the records, within the said time, the respondent shall take appropriate steps to issue Contract Carriage Permit. If the petitioner fails to submit the valid records and documents within the said period, the Contract Carriage Permit shall stand cancelled. No costs.

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(K.C.BHANU,J)

15th February, 2005.

Prv

To

1. The Deputy Transport Commissioner & Secretary,

Regional Transport Authority,

Nellore.

2. Two CCs to the GP for Transport, High Court Buildings,

Hyderabad (O.U.T.)

3. 2 CD copies